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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF WYOMING**

In re:) Chapter 11
)
POWELL VALLEY HEALTH CARE, INC.,) Case No. 16-20326
)
Debtor-in-Possession.)

DEBTOR'S MOTION TO EXCUSE WITNESS

Powell Valley Health Care, Inc. ("PVHC", or the "Debtor"), the debtor and debtor in possession in the above captioned case, by and through its counsel, respectfully requests that the Court enter an order excusing Michael L. Long from appearing and testifying at the hearing scheduled for September 22, 2016 before the Court, at which hearing the Court will consider the entry of a final order on the *Debtor's Motion for Expedited Entry of an Interim and Final Order (I) Authorizing Use of Cash Collateral; (II) Providing for Adequate Protection Payments; and, (III) Granting Related Relief* (the "Cash Collateral Motion") [Doc. 16]. In support of this Motion, PVHC states as follows:

1. On May 16, 2016 (the "Petition Date"), PVHC filed its petition for relief under Chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").
2. PVHC has continued in the possession of its property and has continued to operate and manage its business as a debtor-in-possession pursuant to Bankruptcy Code

§§ 1107 and 1108.

3. On June 21, 2016, the Office of the United States Trustee for Region 19 (the “U.S. Trustee”) appointed an official committee of unsecured creditors for the Chapter 11 case (the “Creditor Committee”) [D.E. 145].

3. On May 16, 2016, PVHC filed its Cash Collateral Motion [Doc. 16].

4. The Cash Collateral Motion requested that the Court enter an interim order authorizing the use of cash collateral, providing for adequate protection for the use of cash collateral, and scheduling a final hearing on the Cash Collateral Motion to consider the entry of a final order authorizing the use of cash collateral and providing for adequate protection. See Cash Collateral Motion at ¶5.

5. The Cash Collateral Motion was supported by the *Declaration of Michael L. Long in Support of First Day Motions* (the “First Day Declaration”) [Doc. 9].

6. On May 17, 2016, the Court entered *its Order Granting Debtor’s Motion for an Expedited Hearing on First Day Motions and Motion to Limit Service* [Doc. 25] wherein it set an evidentiary interim hearing on the Cash Collateral Motion for May 25, 2016.

7. On May 26, 2016, and after the Court heard argument on the matter, the Court entered its *Interim Order Authorizing Use of Cash Collateral and Providing Adequate Protection Payments* [Doc. 82] (i.e., the “Interim Order”) wherein it ordered that the final order (i.e., the *Stipulated Order Authorizing Use of Cash Collateral and Providing Adequate Protection Payments* [Doc. 81]) was approved on an interim basis. Additionally, the Court ordered that a hearing to consider final approval of the Cash

Collateral Motion would commence on July 6, 2016, and the objection deadline to the Cash Collateral Motion was set for June 22, 2016.

8. No objections to the Cash Collateral Motion were filed on or before June 22, 2016.

9. On June 29, 2016, the Court entered its *Order Rescheduling Evidentiary Hearing Regarding Cash Collateral* [Doc. 161] wherein it ordered that the evidentiary hearing on the Cash Collateral Motion originally scheduled for July 6, 2016, be rescheduled to September 22, 2016.

10. On June 30, 2016, PVHC submitted its proposed *Final Stipulated Order Authorizing Use of Cash Collateral and Providing Adequate Protection Payments* [Doc. 165] wherein it proposed a final order on the Cash Collateral Motion to reflect that no objections to the Cash Collateral Motion were filed prior to the deadline.

11. At this juncture, the deadline for objecting to the relief in the Cash Collateral Motion has expired.

12. Had any objections been filed, PVHC planned to have Michael L. Long, PVHC's Chief Financial Officer, available to provide testimony to the Court consistent with his sworn statements in the First Day Declaration. Because no objections were filed, in the interest of cost and time savings, PVHC submits that the Court can conduct the hearing without Mr. Long because: (1) Mr. Long has presented a sworn declaration to the Court in support of the Cash Collateral Motion; (2) the testimony that PVHC would elicit from Mr. Long at the hearing on PVHC's Motion for Use of Cash Collateral would mirror the contents of the First Day Declaration; and, (3) the Cash Collateral Motion is

uncontested. The undersigned will appear at the hearing in person.

13. In lieu of direct testimony, the undersigned proposes to submit an offer of proof and also read into the record, if necessary, the First Day Declaration.

14. Counsel's offer of proof and the First Day Declaration will provide a sufficient basis for the Court to find that the Cash Collateral Motion should be granted on a final basis.

WHEREFORE, for the reasons described herein, PVHC respectfully requests that the Court enter an order in the form attached hereto excusing Mr. Long from appearing and testifying at the hearing to consider final approval of the PVHC's Cash Collateral Motion, and for such other relief as deemed proper.

Dated: September 12, 2016.

**MARKUS WILLIAMS YOUNG &
ZIMMERMANN LLC**

By: /s/ Bradley T. Hunsicker
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Counsel for the Debtor and Debtor-in-Possession

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ***Debtor's Motion to Excuse Witness*** was served this 12th day of September, 2016, by placing a copy in the U.S. mail, first class postage prepaid upon those parties identified on the mailing matrix attached hereto at Exhibit A.

/s/ Bradley T. Hunsicker

Bradley T. Hunsicker